

BOARD OF APPEAL REFERRALS

DECEMBER 9, 1976

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MEMORANDUM

December 9, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 12/7/76

Petition No. Z-3714
Mrs. James E. Anderson, Sr.
37 Stratton Street, Dorchester
near Blue Hill Avenue

2½-story frame structure - residential (R-.5) district.

Purpose: to change occupancy from two-family dwelling to one-family dwelling and day care center.

Violation:

Section 8-7. A day care center is conditional in an R-.5 district.

Use is existing. Facility accommodates 25 children. There is no apparent neighborhood opposition. Recommend approval with provisos.

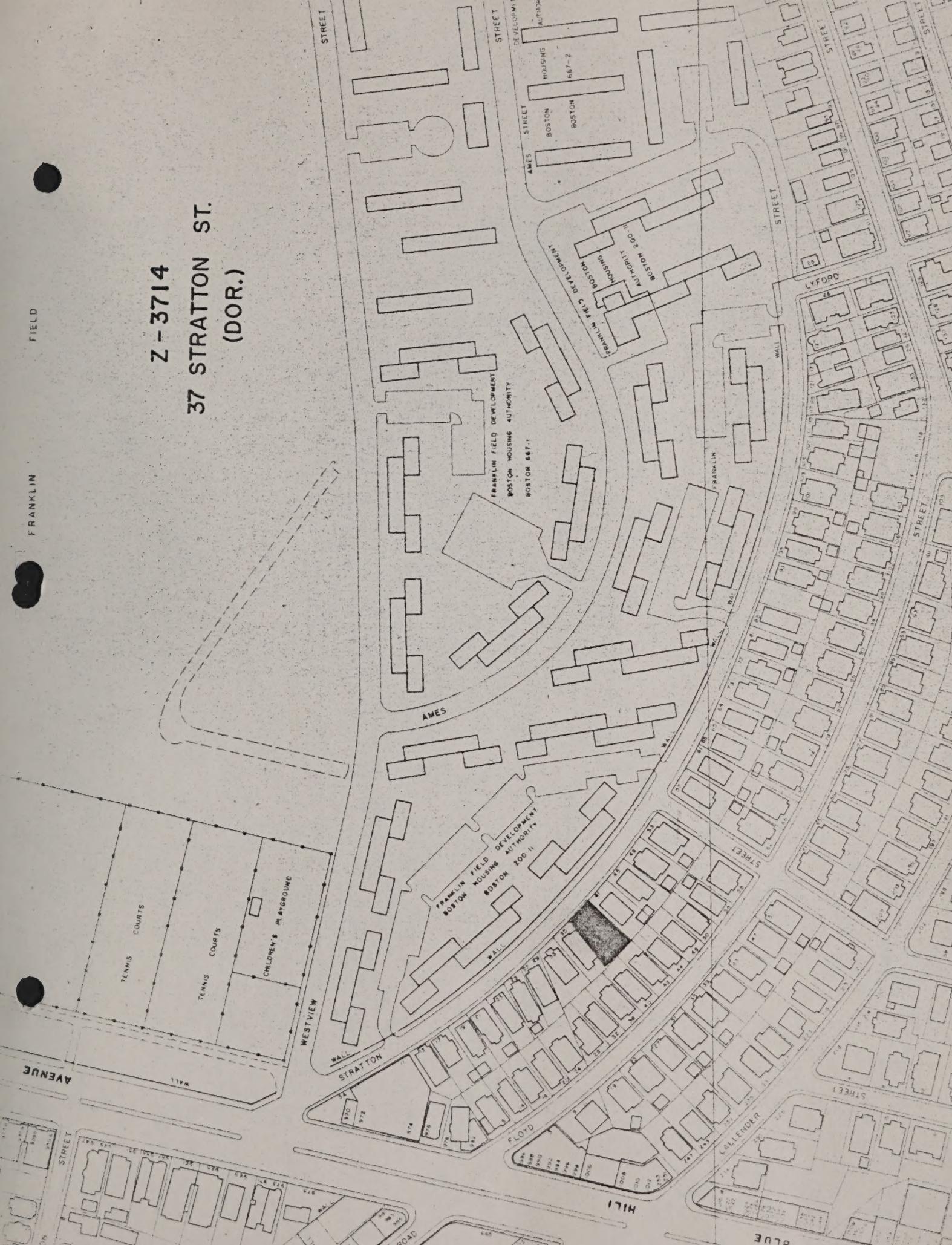
VOTED: In reference to Petition No. Z-3714, brought by Mrs. James E. Anderson, Sr., 37 Stratton Street, Dorchester, for a conditional use for a change of occupancy from a two-family dwelling to a one-family dwelling and day care center in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the facility be limited to a total of twenty children (based on State standards) and comply with all City and State regulations for day care centers; that the use expire after a period of two years.

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FRANKLIN

Z-3714

37 STRATTON ST.
(DOR.)



Board of Appeal Referrals 12/9/76

Hearing: 12/14/76

Petition No. Z-3719
Anthony Beninati
25 Charter Street, Boston
near Henchman Street

Four-story structure - apartment (H-3) district.

Purpose: to legalize existing occupancy - eight apartments.

Violations:

Required Proposed

Section 8-7. Any dwelling converted for more families which does not meet the requirement for open space is forbidden in an H-3 district.

Section 17-1. Open space is insufficient. 100 sf 12 sf

Street level store has been converted to residential unit. Abutting mini park will tend to mitigate open space deficiency. Recommend approval.

VOTED: In reference to Petition No. Z-3719, brought by Anthony Beninati, 25 Charter Street, Boston, for a forbidden use and a variance to legalize occupancy for eight apartments in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval. Abutting mini park will tend to mitigate open space deficiency.

Z-3719
25 CHARTER ST.



Board of Appeal Referrals 12/9/76

Hearing: 12/14/76

Petition No. Z-3722
Michielangelo and Concetta Andreottola
36 Charter Street, Boston
near Salem Street

Five-story structure - apartment (H-3) district.

Purpose: to change occupancy from eight apartments and store to nine apartments.

Violations:

Required Proposed

Section 8-7. Any dwelling converted for more families which does not meet the requirement for open space is forbidden in an H-3 district.

Section 17-1. Open space is insufficient. 100 sf 14 sf

Proposal would convert a former store to a dwelling unit. Site is proximate to a mini park. Recommend approval.

VOTED: In reference to Petition No. Z-3722, brought by Michielangelo and Concetta Andreottola, 36 Charter Street, Boston, for a forbidden use and a variance for a change of occupancy from eight apartments and store to nine apartments in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval. Site is proximate to a mini park.

NORTH END
PLAYGROUND

L-3722
36 CHARTER ST.
(B.P.)

5524-1



Hearing: 12/14/76

Petitions Nos. Z-3723-3724
Fat Quan
10-12 Chestnut Hill Avenue, Brighton
near Washington Street

Two three-story masonry structures (three-family dwelling) - general business (B-1) district.

Purpose: to subdivide land.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 14-1. Lot area is insufficient.	8,000 sf	1,882 sf 1,479 sf
Section 14-3. Lot width is insufficient.	50 ft.	23 ft.
Section 14-4. Street frontage is insufficient.	50 ft.	23 ft.
Section 15-1. Floor area ratio is excessive	1	2.2
Section 17-1. Open space is insufficient.	800 sf	262 ft 112 ft
Section 19-1. Side yard is insufficient.	10 ft.	0

Subdivision would allow petitioner to sell structure. New owner would reside therein. Violations are technical and would not have a significant effect on this mixed-use neighborhood. Recommend approval.

VOTED: In reference to Petitions Nos. Z-3723-2724, brought by Fat Quan, 10-12 Chestnut Hill Avenue, Brighton, for twelve variances to subdivide land in a general business (B-1) district, the Boston Redevelopment Authority recommends approval. Violations are technical and would not have a significant effect on this mixed-use neighborhood.

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Board of Appeal Referrals 12/9/76

Hearing: 12/14/76

Petition No. Z-3725
Shrager Realty Corp.
22-26 Blue Hill Avenue, Roxbury
near Dudley Street

One-story masonry structure - local business (L-1) district.

Purpose: to change occupancy from public garage and paint distribution to public garage and indoor display and sale of second-hand vehicles.

Violations:

Section 8-7. Sale of automobiles within a structure is forbidden in an L-1 district.

Section 8-7. A repair garage and auto body work incidental to auto sales are forbidden in an L-1 district.

Used car operation without adequate off-street parking will increase traffic congestion for this narrow section of Blue Hill Avenue. Petitioner also proposes a repair facility in connection with auto sales. Proliferation of these nonconforming uses would have a negative impact on the community. Recommend denial.

VOTED: In reference to Petition No. Z-3725, brought by Shrager Realty Corp., 22-26 Blue Hill Avenue, Roxbury, for two forbidden uses for a change of occupancy from public garage and paint distribution to public garage and indoor display and sale of second-hand motor vehicles in a local business (L-1) district, the Boston Redevelopment Authority recommends denial. Proliferation of these nonconforming uses would increase traffic congestion and have a negative impact on the community.

22-26 BLUE HILL AVE.
(ROX.)



Board of Appeal Referrals 12/9/76

Hearing: 12/14/76

Petition No. Z-3726
Dr. Ernest Regis
235 Bunker Hill Street, Charlestown
at Pearl Street

2,460 square feet of vacant land - local business (L-1) district -
Charlestown Urban Renewal Area.

Purpose: to use premises for ancillary parking.

Violation:

Section 8-7. Ancillary parking lot is conditional in a local business (L-1) district.

Proposed facility, for seven cars, would provide parking for petitioner's dental offices located at 227A Bunker Hill Street, Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3726, brought by Dr. Ernest Regis, 235 Bunker Hill Street, in the Charlestown Urban Renewal Area, for a conditional use to use premises for ancillary parking in a local business (L-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that curb cut be relocated to Pearl Street side; that a continuous three-foot hedge be provided along Bunker Hill Street side; that plans be submitted to the Authority for design review.

Z-3726
235 BUNKER HILL

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Board of Appeal Referrals 12/9/76

Hearing: 12/21/76

Petitions Nos. Z-3728-3729
Raymond A. Slinger
509-511 East Broadway, South Boston
at G Street

2½-story duplex frame structure - apartment (H-1-50) district.

Purpose: to change occupancy from one-family dwelling and store to three-family dwelling (509); to change occupancy from one-family dwelling to three-family dwelling (511).

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirement for lot area is forbidden in an H-1-50 district.		
Section 14-2. Lot area is insufficient.	8,000 sf	2,300 sf 3,003 sf
Section 17-1. Open space is insufficient.	400 sf	329 sf

Proposal would restore vacant and open structures which apparently have always been occupied as two-family dwellings. Conversion-restoration to former two-family occupancies would be more appropriate. Recommend approval for two-family dwellings.

VOTED: In reference to Petitions Nos. Z-3728-3729, brought by Raymond A. Slinger, 509-511 East Broadway, South Boston, for two forbidden uses and three variances for change of occupancy from one-family dwelling and store to three-family dwelling and from one-family dwelling to three-family dwelling in an apartment (H-1-50) district, the Boston Redevelopment Authority recommends approval of conversion to two-family dwellings. This restoration to their former occupancies would be more appropriate.



8
Board of Appeal Referrals 12/9/76

Hearing: 12/21/76

Petition No. Z-3731
Victor Jabbour et al.
29(r) Cowing Street, West Roxbury
near Washington Street

One-story frame structure - single family (S-.5) district.

Purpose: to change occupancy from two-car garage to beauty salon.

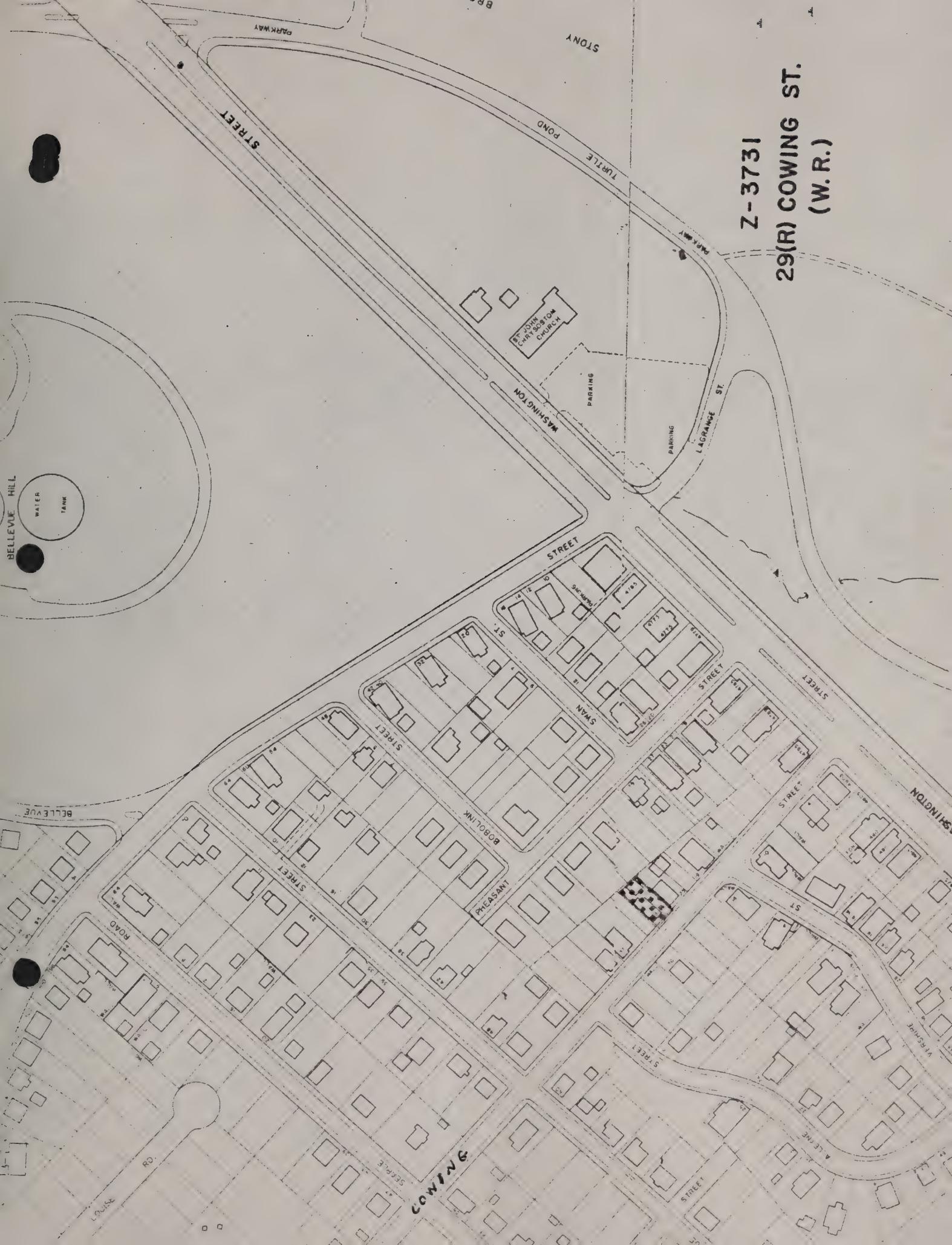
Violation:

Section 8-7. A beauty salon is forbidden in an S-.5 district.

Garage is accessory to a one-family dwelling. Proposal is totally incompatible with residential quality and environment of this densely settled one- and two-family neighborhood. Street is narrow; additional vehicular traffic would intensify an already hazardous condition. No provisions for off-street parking. Recommend denial.

VOTED: In reference to Petition No. Z-3731, brought by Victor Jabbour et al., 29(r) Cowing Street, West Roxbury, for a forbidden use for a change of occupancy from two-car garage to beauty salon in a single-family (S-.5) district, the Boston Redevelopment Authority recommends denial. Proposal is totally incompatible with residential quality and environment of this densely settled one- and two-family neighborhood. Street is narrow; additional vehicular traffic would intensify an already hazardous condition. No provisions for off-street parking.

Z-3731
29(R) COWING ST.
(W. R.)



Board of Appeal Referrals 12/9/76

Hearing: 12/21/76

Petition No. Z-3732
Allan Knight
10 Melville Avenue, Dorchester
near Washington Street

2½-story frame structure - residential (R-.5) district.

Purpose: to change occupancy from two-family dwelling to one-family dwelling and foster home for six children.

Violation:

Section 8-7. An orphanage (foster home) is forbidden in an R-.5 district.

Use is existing. It is compatible with and enjoys support of the residential neighborhood. Property is well maintained; seventeen-room structure on 35,000 square feet of land can adequately accommodate use. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3732, brought by Allan Knight, 10 Melville Avenue, Dorchester, for a forbidden use for a change of occupancy from a two-family dwelling to a one-family dwelling and a foster home in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval provided that the use extend to the appellant only. Use is compatible with and enjoys support of the residential neighborhood.



Board of Appeal Referrals 12/9/76 (tabled 11/18/76)

Hearing: 1/4/76

Petition No. Z-3738
Women Inc.
570 Warren Street, Roxbury
at Intervale Street

2½-story frame structure - apartment (H-1) district.

Purpose: to change occupancy from lodging house for five girls to lodging and/or boarding house for fourteen females and day care center for ten children.

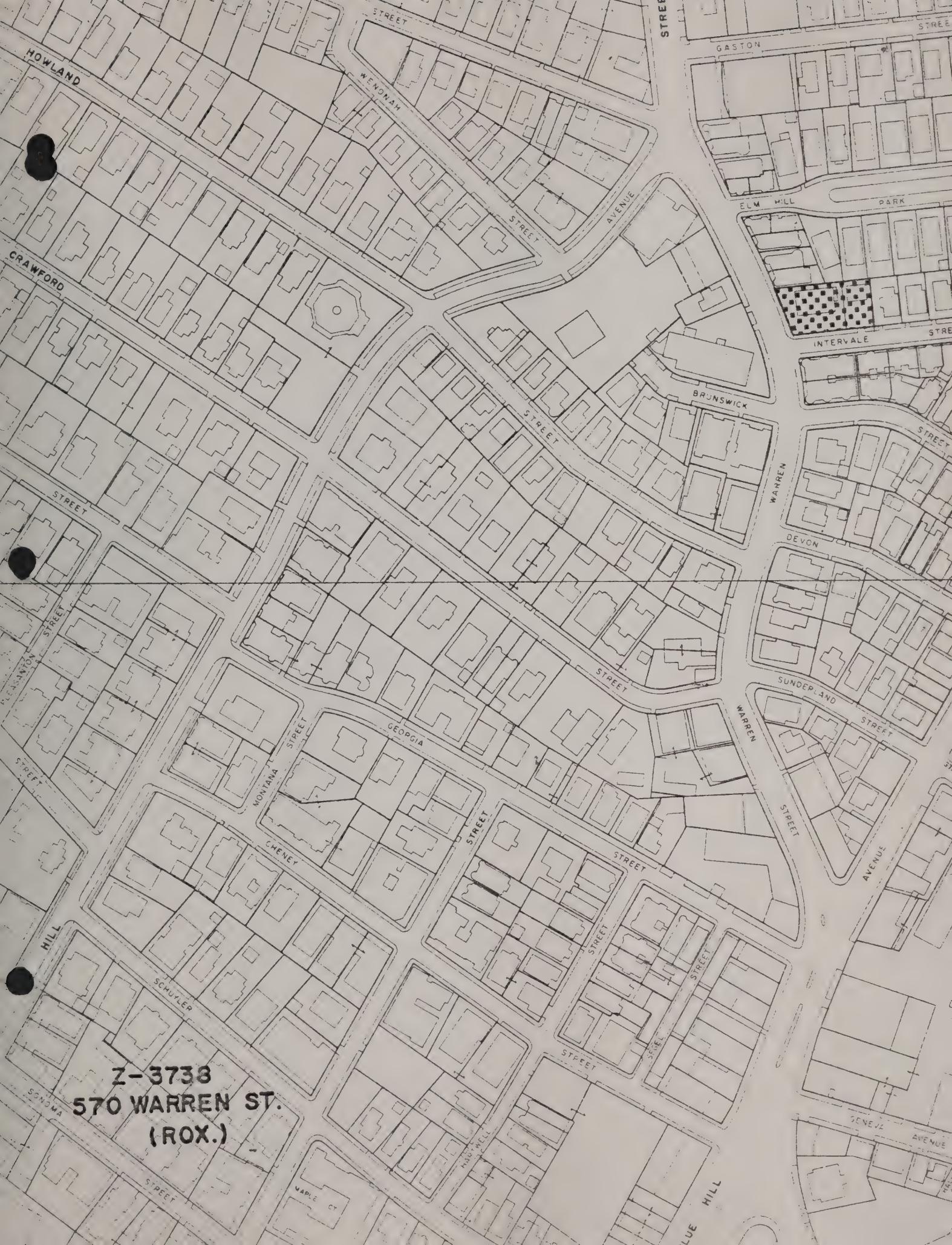
Violation:

Section 8-6. A change in a conditional use requires Board of Appeal hearing.

Halfway facility would provide an interim home inclusive of counseling and educational program opportunities for former drug-dependent women and day care for their children. There will be no medical or psychiatric service. Funding is provided by The National Association of Drug Abuse. Use has community support. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3738, brought by Women Inc., 570 Warren Street, Roxbury, for a conditional use for a change of occupancy from lodging house for five females to lodging and/or boarding house for fourteen females and day care center for ten children in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the overnight occupancy be limited to fourteen persons including children; that the use extend to and in the name of "Women Inc." only; that the conditional use terminate after a period of three years.

Z-3738
570 WARREN ST.
(ROX.)



Board of Appeal Referrals 12/9/76

Hearing: 12/14/76

Petition No. Z-3740
Leonard A. Warren
80-88 Welles Avenue, Dorchester
at Wainwright Street

One-story masonry structure - local business (L-1) district.

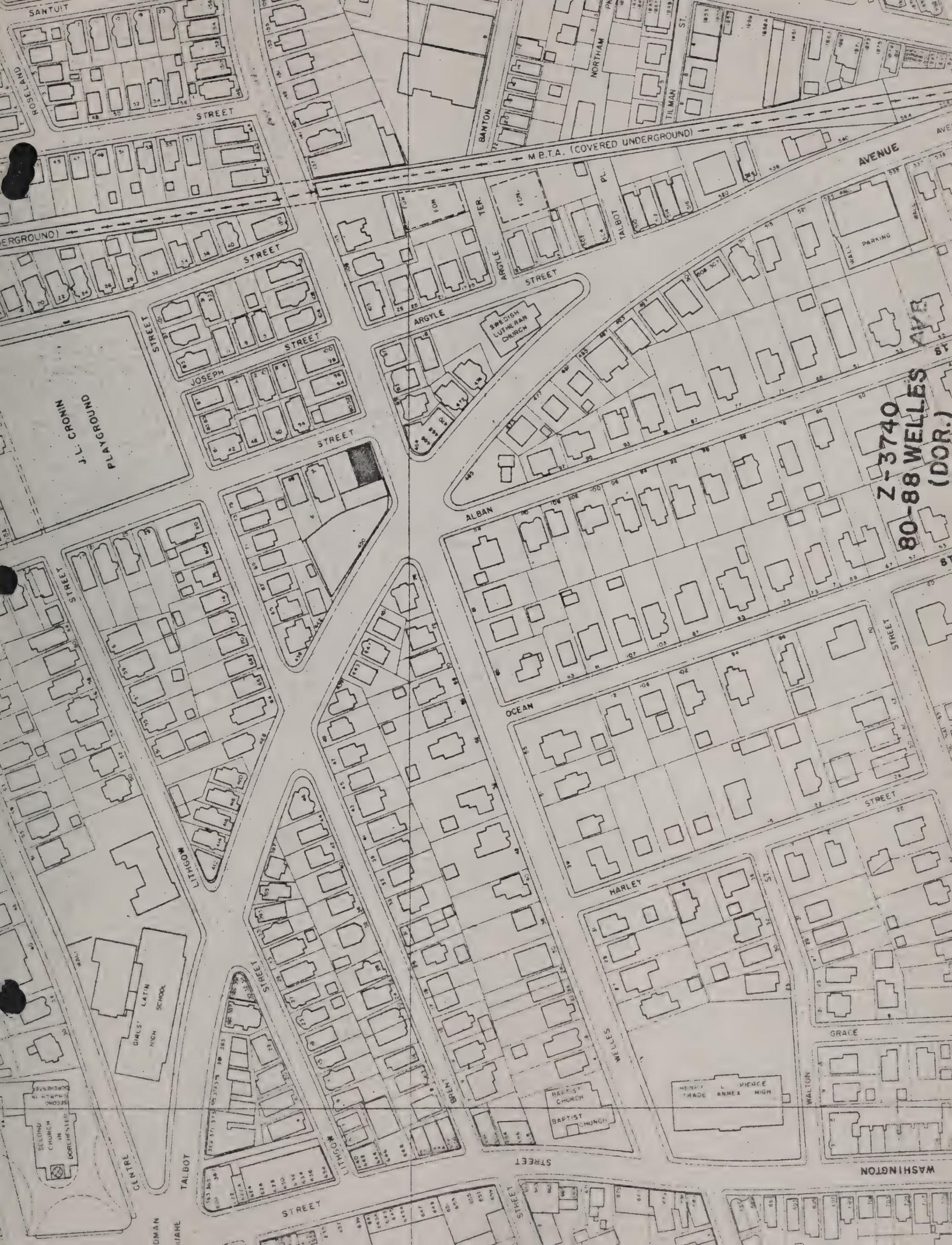
Purpose: to change occupancy from stores to auto driving school office, doctor's office, and offset print office.

Violation:

Section 8-7. A driving school is conditional in an L-1 district.

Proposed driving facility with its attendant activity and resultant traffic would have an adverse impact on the predominantly residential neighborhood. Recommend denial.

VOTED: In reference to Petition No. Z-3740, brought by Leonard A. Warren, 80-88 Welles Avenue, Dorchester, for a conditional use for a change of occupancy from stores to auto driving school office, doctor's office, and offset print office in a local business (L-1) district, the Boston Redevelopment Authority recommends denial. Proposed driving facility with its attendant activity and resultant traffic would have an adverse impact on the predominantly residential neighborhood.



Board of Appeal Referrals 12/9/76

Hearing: 12/7/76

Petitions Nos. Z-3743-3745
 Edward J., Sr., and Elinor Jay
 1466-1471-1480 Blue Hill Avenue,
 Mattapan
 at Culbert Street

Two one-story masonry structures - residential (R-.5, R-.8) districts.

Purpose: to change occupancy from gas station and car wash to gas station, car wash, outdoor storage and sale of used cars, auto body repair shop, accessory paint shop (1466); to use premises for outdoor storage and sale of motor vehicles (1471); to change occupancy from car wash to car wash and outdoor storage and sale of used cars (1480).

Violations:

		<u>Required</u>	<u>Proposed</u>
Section 8-7.	Outdoor sale or display for sale of new or used cars is forbidden in an R-.8 district.		
Section 8-7.	An auto body repair garage inclusive of paint shop accessory to sale of cars is forbidden in an R-.8 district.		
Section 18-1.	Front yard is insufficient.	25 ft.	5 ft.
Section 19-1.	Side yard is insufficient (Blue Hill Avenue)	10 ft.	0
Section 19-6.	Side yard is insufficient (Culbert Street).	25 ft.	5 ft.

Additional nonconforming uses would have a detrimental impact on the surrounding residential community, tend to intensify existing vehicular traffic congestion, and create curb parking demands. Recommend denial.

VOTED: In reference to Petitions Nos. Z-3743-3745, brought by Edward J., Sr., and Elinor Jay, 1466-1471-1480 Blue Hill Avenue, Mattapan, for four forbidden uses and five variances to change occupancy from gas station and car wash to gas station, car wash, outdoor storage and sale of used cars, auto body repair shop, accessory paint shop (1466), to use premises for outdoor storage and sale of motor vehicles (1471), and to change occupancy from car wash to car wash and outdoor storage and sale of used cars (1480) in residential (R-.5 and R-.8) districts, the Boston Redevelopment Authority recommends denial. Additional nonconforming uses would have a detrimental impact on the surrounding residential community, tend to intensify existing vehicular traffic congestion, and create curb parking demands.



Z-3743 - 45
1466-71-80 BLUE HILL AVE.
(MATT.)

Board of Appeal Referrals 12/9/76

Hearing: 12/21/76

Petition No. Z-3753
Lundin Turkish Bath Company
State Street Bank and Trust Company
12-22 Carver Street, Boston
near Eliot Street

4,548 square feet of land - general business (B-8) district.

Purpose: to continue operation of public parking lot, charging a fee, for 17 cars.

Violation:

Section 8-7. A public parking lot, charging a fee, is conditional in a general business (B-8) district.

In August 1973, the Board of Appeal, contrary to Authority recommendation, granted petitioner a conditional use terminating September 1, 1976. The schedule for Park Plaza land acquisition indicates purchase of this parcel as early as the summer of 1977. Recommend denial.

VOTED: In reference to Petition No. Z-3753, brought by Lundin Turkish Bath Company and the State Street Bank and Trust Company, for a conditional use to continue operation of public parking lot, charging a fee, for 17 cars in a general business (B-8) district, the Boston Redevelopment Authority recommends denial. The schedule for Park Plaza land acquisition indicates purchase of this parcel as early as the summer of 1977.

Z-3753 BOSTON
18-22 CARVER ST.
(B.P.)

COMMON



14
Board of Appeal Referrals 12/9/76

Hearing: 11/16/76

Petition No. Z-3735
Affiliated Hospitals Center, Inc.
Francis and Binney Streets, Roxbury

Hospital complex - apartment (H-3-D) planned development area subdistrict.

Purpose: to erect new hospital complex in conformance with Development Plan for Planned Development Area No. 10.

As a procedural matter, the Authority is requested to recommend approval of eight exceptions to the Zoning Code requested by the Affiliated Hospitals Center, Inc., in connection with the Development Plan for Planned Development Area No. 10, approved by the Authority on October 21, 1976. Said exceptions have been certified by the Director to be in conformity with said Development Plan.

VOTED: In reference to Petition No. Z-3735, brought by Affiliated Hospitals Center, Inc., 75 Francis Street, 76 Shattuck Street, and 25 Binney Street, Roxbury, for eight exceptions to the Boston Zoning Code under Planned Development Area No. 10, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.

PLAN OF LAND
R.O.A. AREA ROXBURY
PLANNED DEVELOPMENT
AREA

LEGEND

0 200 400

AREA INVOLVED _____

OLD & NEW AREA

ZONE BOUNDARY

